



FOR IMMEDIATE RELEASE
Tuesday, December 30, 2008

TRAFFIC STOP BOARD ISSUES RECOMMENDATIONS

PHOENIX – The Governor’s Citizen Traffic Stop Advisory Board has adopted several policy changes related to police searches and submitted its report to Governor Janet Napolitano and the Department of Public Safety. DPS has begun to implement the changes. The board was created to review the work of state law enforcement agencies in protecting against racial bias in public encounters.

The recommendations are the result of a two-year-long process in which the Governor’s Citizen Traffic Stop Advisory Board worked closely with the Department of Public Safety and the American Civil Liberties Union of Arizona to review DPS practices, policies and procedures relating to racial profiling, traffic stops and vehicle searches.

“I want to commend the Citizens Traffic Stop Advisory Board, DPS and the civil liberties groups involved for the way they worked constructively toward these well-advised policy changes,” Governor Napolitano said.

The board made the following recommendations in the area of “consent searches:”

- DPS shall include the requirement that officers have reasonable suspicion of criminal activity, prior to any request to conduct a consent search, in all written DPS materials, orders, bulletins, instructions and directives that relate to enforcement stops.
- The training of all present and new DPS officers shall include written materials setting forth and explaining the above policy and provide explanations and examples of what constitutes "reasonable suspicion" in a vehicle-stop situation.
- As soon as practicable upon conclusion of the stop, DPS officers shall document the factors observed that resulted in a finding of reasonable suspicion for seeking consent. The officer shall utilize a form that includes a minimum of 10 factors and attach it to DPS’ copy of the Consent to Search form. The reasons articulated by the officer shall be reviewed by the immediate supervisor and forwarded to the DPS Records Unit for the prescribed retention period. Supervisors will receive additional training to evaluate and monitor consent searches, including the review of all submitted Consent to Search forms.
- DPS shall amend its General Order and all other related documents to reflect that consent searches may only be conducted if the target of the search signs the consent to search form or if the target is recorded by audio and or video giving consent.

Prior to these policy changes, DPS officers could conduct consent searches without having evidence of criminal wrongdoing.

“These important safeguards address the coercive aspects of consent searches,” ACLU of Arizona Legal Director Dan Pochoda said. “The policy changes will help protect fundamental rights of drivers on Arizona highways and increase community respect for law enforcement.”

Roger Vanderpool, DPS Director, said, “Arizona Department of Public Safety Officers are continually vigilant in their effort to deny criminals the use of the highways. We also recognize the importance of protecting and safeguarding the rights of all those who use the state and federal highway system. For the past two years, DPS has worked closely with the Citizen Traffic Stop Advisory Board as we strive to update our training procedures while educating the board about our policies. During this time, DPS has had a very good working relationship with the board, and we look forward to keeping lines of communication open in this on going project.”

The board was established in 2006 as part of the settlement agreement in the case Arnold et al. v. Arizona Department of Public Safety, and has worked on reviewing and recommending changes to DPS policy since that time.

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